

REMARKS

Claims 1, 2, 4, 5, 6, 8, 9 and 16-24 are currently pending. Claim 3 was previously canceled and claims 7 and 10-15 were withdrawn following a restriction requirement and are being canceled by this amendment. Claim 1 has been amended to clarify the subject matter and is supported throughout the specification, for example on page 32, Table 2. No new matter has been added.

Applicants thank Examiner Blessing Fubara for participating in the interview with Applicants representative on January 7, 2010 during which time the foregoing claim amendment was discussed in view of the cited prior art references. Furthermore, the data shown in Table 2 was discussed as evidence of the unexpectedly improved results achieved by the polymeric compositions recited in amended claim 1.

Applicants respectfully submit that the foregoing amendments should be entered as they place the application in condition for allowance. In view of the foregoing amendments and the following remarks it is respectfully submitted that the claims are allowable and the application should be passed to issue.

Claim rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 4-6, 8, 9 and 16-24 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hennink (WO 98/00170), hereinafter Hennink WO '170 in view of Park (US 6,271,278) or Hennink (US 6,303,148), hereinafter Hennink US '278.

Furthermore, claims 1, 2, 4-6, 8, 9 and 16-24 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bos et al., "Hydrogels for the Controlled Release of Pharmaceutical Proteins," *Pharmaceutical Technology*, October 2001, pp 110-120.

Applicants respectfully disagree with the rejections.

However, in an effort to expedite prosecution, claim 1 has been amended to recite that the **“ratio of smart segment to said hydrophobic segment to said hydrophilic segment is about 80/15/05 or about 80/10/10.”**

None of Hennink WO '170, Park , Hennink US '278 or Bos, either alone or in combination teach or suggest a polymeric material wherein the ratio of smart segment to said hydrophobic segment to said hydrophilic segment is about 80/15/05 or about 80/10/10, as recited in amended claim 1.

Furthermore, a person having ordinary skill in the art would not have found it obvious to modify the cited references in such a manner as to obtain the polymeric material compositions as recited in amended claim 1, as such compositions achieved unexpectedly improved drug release as shown in Table 2 of the present application.

As shown in Table 2, the polymeric material having the composition of smart polymer to hydrophobic component to hydrophilic component of about 80/10/10 or about 80/15/05 achieved unexpectedly improved release rates of exemplary biologically active/inert substance nerve growth factor (NGF) compared to other formulation of the polymeric material.

As such, it is clear that none of the cited references teach or suggest the polymeric materials recited in amended claim 1.

Accordingly, it is respectfully submitted that claim 1 is allowable. Furthermore, claims 2, 4, 5, 6, 8, 9 and 16-24 depend from and further define the subject matter of claim 1 and therefore are also allowable over the cited prior art references.

In view of the above amendments and remarks, Applicants submit that this application is in condition for allowance. If there are any questions regarding this application, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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